



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

OCT - 8 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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KNOBBE MARTENS OLSON & BEAR LLP  
620 NEWPORT CENTER DRIVE  
SUITE 1600  
NEWPORT BEACH, CA 92660

#7

In re Application of :  
Vitaliy A. Kordyum et al :  
Serial No.: 09/859,651 : PETITION DECISION  
Filed: May 17, 2001 :  
Attorney Docket No.: PHAGE.001DV1 :

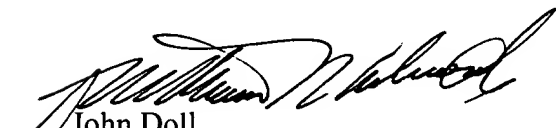
This is a decision on the Petition under 37 CFR 1.181, filed July 25, 2002, to Withdraw Holding of Abandonment based on non-receipt of an Office action.

A review of the file history shows that the examiner mailed a first Office action to applicants on November 21, 2001, setting a three month shortened statutory period for reply. Upon failure to receive a reply the examiner mailed a Notice of abandonment to applicants on July 1, 2001. Applicants state that the Office action was not received and provide copies of docket records where the Office action would have been recorded had it been received. In view of the statements and evidence presented it is concluded that applicants never received the Office action. In view thereof, the Notice of abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be returned to the examiner for prompt remailing of the Office action.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7922.

  
John Doll  
Director, Technology Center 1600